

MANAGING LOCAL RECORDS IN ALABAMA

The Local Government Records Program

Quick Alabama Local Records Facts

- Although ADAH serves as a repository for the records of state agencies, it lacks the space to accession original records from Alabama counties and municipalities, except in cases of emergency.
- County and municipal records are most accessible to citizens in their locality of origin. They should be maintained, regardless of format, in accordance with Alabama's public records laws and records disposition authorities (RDAs) approved by the Local Government Records Commission.
- All local government officials are eligible for records management assistance from the ADAH Government Records Division. They are responsible for filing a records destruction notice with ADAH whenever any public record is destroyed.
- If counties or municipalities lack adequate space for preserving original permanent records, the Local Government Records Commission has approved a Records Depository Agreement to assist them in finding a suitable off-site repository, such as a local library, archives, or commercial storage facility.
- Microfilm of permanent local government records should be stored in a climate-controlled environment. According to the Code of Alabama 1975, Section 41-13-40, microfilm, "when duly authenticated by the custodian thereof, shall have the same force and effect at law as the original record." It may be substituted for original records if it is an accurate copy and meets nationally accepted (ANSI/AIIM) quality standards.
- Recent legislation (Act 2001-458 of the Alabama legislature) addressed the legal validity of public records produced and stored in electronic format.
- Electronic mail (e-mail) is a communications tool that may record permanent or temporary information. Under local government RDAs, the retention period for e-mail records is governed not by their format but by the kinds of record information they contain.

Representatives of Local Governments Establish Records Retention Guidelines

The Local Government Records Commission was established in 1987, when the County Records Commission (which had existed since 1955) was expanded to include municipalities. Charged with issuing records retention guidelines for local governments, the commission is composed of state and local government officials. State agencies represented include: the Attorney General, the Examiner of Public Accounts, the Secretary of State, the history departments of Auburn University and University of Alabama, and the Alabama Department of Archives and History (ADAH), whose director serves as the commission's chair.

Commission members from local governments include: a probate judge who is not also chair of a county commission, two county commission chairs who are not also probate judges, one county tax assessor, and two city clerks.

Local records archivists of the ADAH Government Records Division serve as the Local Government Records Commission's staff and assist local officials with records management and preservation.

RDAs, Records Destruction Procedures, and Records Management Assistance

Records retention guidelines are based on records' administrative, fiscal, historical, and legal value. The Local Government Records Commission has approved records disposition authorities (RDAs) for most county and municipal agencies; copies are available from the ADAH Government Records Division. An RDA identifies all permanent records a local government agency creates and explains the procedure for legally destroying outdated temporary records.

Besides developing RDAs, ADAH local records archivists offer on-site records management assistance at no cost to local governments. Other Government Records Division staff can advise on more detailed questions of records conservation, reformatting (microfilming and imaging), and environmental control. The division also publishes a variety of technical and procedural leaflets on these and other issues (such as access to public records, off-site records storage, disaster preparedness and recovery, and electronic mail), as well as a quarterly newsletter, *State and Local Records News*.

Historical Records Microfilm from Alabama's Local Governments

For many years, ADAH and the Genealogical Society of Utah (GSU) have cooperated in microfilming the historical records of Alabama counties. Nearly all bound county records of legal and genealogical importance (minute books, deeds, wills, marriages, birth and death records) that were created prior to 1920 have been filmed. Microfilm copies are available for public use in the ADAH reference room and in many county courthouses. Assisted by other research institutions, ADAH has also microfilmed historical newspapers from many Alabama counties and municipalities.

Since 1998, ADAH, GSU, and county government officials have been engaged in another phase of county records microfilming: the loose records microfilming program. For this work, the Government Records Division staff has enlisted volunteers from local historical and genealogical societies to prepare unbound (“loose”) county records (estate case files, marriage licenses, divorces, circuit court files, and Confederate pension records) for microfilming by GSU camera operators. Copies of this film will also be available at ADAH and in each participating county.

For more information on local records available for genealogical and local history research at the Department of Archives and History, please view our “Local Records Microfilm” database at: <http://www.archives.alabama.gov/localrecords/search.cfm> or search our on-line catalog for additional local materials in our collections at: <http://www.archives.alabama.gov/searchcoll.html>

Assistance in Funding Local Records Preservation Programs

ADAH publications, RDAs, and assistance services are provided to local government agencies without cost. However, many counties and municipalities still lack the money necessary to implement comprehensive records preservation programs, and many of Alabama’s historical local government records are therefore still at risk.

The ADAH Government Records Division remains committed to establishing a regular source of financial aid for local records preservation, ideally through a state-funded grant program. Until state funds become available, division archivists can assist local officials and historic preservation societies in exploring other sources of support, such as grants from the National Endowment for the Humanities (NEH) or the National Historical Publications and Records Commission (NHPRC).

Benefits of a Local Government Records Program

- Reduces the storage space required for records
- Reduces the cost of records maintenance
- Provides easier access to current and past record information
- Ensures compliance with Alabama public records laws
- Enables a county or municipality to preserve its heritage
- Fosters better public service and community relations
- Increases community pride

Alabama's Public Records Laws

Title 36, Chapter 12 of the Code of Alabama requires public officials to create and maintain records that document the business of their office. The records must be protected from “mutilation, loss, or destruction,” so that they may be transferred to an official’s successors in office and made available to members of the public. Under Code Section 36-12-40, “every citizen has a right to inspect and take a copy of any public writing in this state, except as otherwise expressly provided by statute.” Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975, Sections 36-12-2, 36-12-4, and 41-5-23).

The Local Government Records Commission’s authority over county and municipal records disposition is established by the Code of Alabama 1975, Sections 41-13-5 and 41-13-22 through -24. Under Section 23: “no county, municipal or other local government official, shall cause any . . . record to be destroyed or otherwise disposed of without first obtaining the approval of the local government records commission.”

The Alabama Department of Archives and History may, upon request, “give advice and assistance to any public official in . . . preserving, filing, and making available to the public records in his custody.” (Code of Alabama, Section 41-13-4).

For more information about historical records or their preservation, please contact:

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You will find additional information on our web site at <http://www.archives.state.al.us>